

Pilgrims may get road permit -

RESTRICTIONS: Temporary agreement would be applicable in winter conditions.

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Federal officials appear ready to grant a temporary permit allowing the Pilgrim family to drive a bulldozer up a historic road through a national park to their home -- but only in winter when there is snow on the ground and the local creek is frozen.

The National Park Service released a 126-page environmental assessment of the family's access request Friday. The park's preferred option is a temporary one-year permit allowing nine round trips over the 14-mile road through Wrangell St. Elias National Park near McCarthy.

Robert Hale, his wife and their 15 children, who go by the name Pilgrim, have been locked in a two-year battle with the Park Service over access to the remote mining property in the park that they purchased in 2002.

The fight seems far from over. The family's attorney said Friday the park's proposal is not safe because of winter hazards. The Pilgrims had sought access in fall, after the ground freezes but before snow falls and before freeze-up on McCarthy Creek.

A whole new round of debate is likely if the family applies for a permanent access permit. The family, backed by Lower 48 support groups, contends no permit is needed to use the historic mining road, though their arguments have been unsuccessful in the federal courts. Some environmental groups say they will support the family's effort to bring in building supplies by bulldozer but would oppose a permanently open road.

A Pilgrim supporter dismissed the whole environmental study process as heavy-handed. The park could have offered the same solution last September, in time for the family to haul in supplies for this winter, said Anchorage property rights activist Ray Kreig.

"This isn't about the environment," Kreig said. "This is about pressure and intimidation and punishment of anybody that tries to use their access rights."

A 30-day public comment period opened with release of the study Friday. Gary Candelaria, the superintendent for Wrangell-St. Elias, said he hopes to reach a final decision within 10 days of the close of comments.

He said the new study was prepared in three intensive weeks of work.

Citing concerns about harm to spawning Dolly Varden, park officials want to restrict stream crossing until after freeze-up on McCarthy Creek, except with special permission. The preferred alternative calls for 12 inches of ground frost and six inches of snow cover to protect vegetation before travel can begin.

Two small detours of the historic road, around

uninhabited private inholdings, would be allowed. Rangers would travel with the family on most trips, Candelaria said.

The Pilgrims' lawyer, J.P. Tangen, said winter can be dangerous because glaciation across the mountain road can slide a bulldozer and heavy trailer sideways into the creek's canyon. Correspondence from the family, included in the environmental report, raises several other objections to winter travel, including the difficulty of crossing shelf ice which drops off into the streambed.

In dismissing the Hales' legal challenge late last year, U.S. District Judge Ralph Beistline told them to follow the permit process and then come back to court if they didn't feel the park was following federal laws regarding access.

The whole controversy started after Hale, who calls himself Papa Pilgrim, used a bulldozer to clear an old access road to their former mining property. The road had grown over with brush and small trees in a decade of disuse. The park ordered the road closed and is preparing a legal case for civil damages against the Pilgrims.

The Pilgrims said they needed the road open to haul building supplies after one of their two houses burned down. Supporters flew in some supplies for them last fall.

Kreig called the park's environmental anxieties absurd in light of its own decision to allow surveyors to clearcut a rectangular line around the Pilgrims' remote land last summer. That did far more damage than Papa Pilgrim's clearing of the old roadbed, Kreig said -- and it was done without any environmental assessment.

On the other side, a conservationist who has followed the case closely, called it a "weird irony" that the new environmental study was done for a road that had already been bulldozed open. The call would have been tougher if it were still overgrown.

"Looking at it from one angle, they're being rewarded," said Jim Stratton, regional director for the National Parks Conservation Association. "But you couldn't go back and pretend the road isn't what it is today."

Stratton said he favors letting the family haul in building materials with a bulldozer. But the family should be able to move their normal supplies through other means such as airplane and snowmachine, like other Bush residents, he said. He called nine trips excessive.

"Are they building a resort hotel back there?" he said.

Stratton also said he would object to keeping the road open permanently to the Pilgrims' inholding.

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Candelaria said he has not yet received an application for a permanent permit. Such a bid would be more serious and probably require a full-blown environmental impact statement looking at a broader range of issues than does the current 126-page report.

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PUBLIC COMMENTS on the environmental study for the Pilgrim access permit will be taken until Feb. 23. Further information and the study itself can be found online:

www.adn.com/links Caption: Photo 1: Quote marks_012404.tif Photo 2: ADNLinks_012404.jpg Illustrated by Ron Engstrom ILLUSTRATION SHOWS MAP

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